

Remarks/Arguments

The official office action dated May 30, 2007 has been carefully considered. Claims 1-4, 6-19 and 27-39 remain in the application. Claims 1 and 27 have been amended to more particularly point out and distinctly claim Applicants' invention. Applicants appreciate the Examiner's indication that claims 12 and 29 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants believe the claims presented herewith are sufficient to place the present application in condition for allowance. No new matter is believed or intended to be involved. Reconsideration is respectfully requested.

Claim rejections under 35 U.S.C. §102/§103

Claims 1, 6-11, and 19 stand rejected under 35 U.S.C. §102(b) as anticipated by, or alternatively, under 35 U.S.C. §103(a) as obvious over Hoffman U.S. Pat. No. 5,320,120. This rejection is respectfully traversed.

The Examiner asserts that Hoffman discloses a dishwasher having a wash chamber, pump, spray arm, filter chamber in a wall, inlet, and a porous filter element which also has the outlet for the fluid to flow back into the wash chamber. The Examiner further contends that the floor of the wash chamber is lower than the filter chamber and therefore is part of the wall region.

However, Applicants submit that Hoffman does not teach every element of Applicants' independent claim 1. First, Applicants can find no teaching or suggestion in Hoffman of "an inlet opening in said one of said walls communicating with said filter chamber, wherein said one of said walls has a non-linear portion for allowing wash liquid being circulated in said wash chamber to enter said filter chamber," as recited in independent claim 1. As further described in paragraph [0029] of Applicants' specification:

Wash liquid flowing down wall can follow curved wall portion into filter chamber and drop off the bottom edge of wall portion into the filter chamber due to surface tension of the wash liquid on wall surface...

In contrast, as best shown in Figure 2 of Hoffman, the wash liquid enters the filter chamber (32) via an opening (30) between the filter element (31) and the side wall (29). Hoffman does not disclose a non-linear portion of the side wall to facilitate flow of the wash liquid into the filter chamber. Furthermore, Applicants can find no teaching or suggestion of “a filter element provided in a substantially vertical orientation,” as recited in independent claim 1 and shown in at least Figures 7, 8, and 18 of Applicants disclosure. In contrast, as shown in Figures 2 and 3 and described in col. 3, lines 42-44, Hoffman discloses a slanted filter element (31): “...and a filter element facing the wash chamber and slanted slightly from the vertical.” Since Hoffman fails to teach or suggest every element of Applicants independent claim 1, Applicants respectfully submit that claim 1 is not anticipated by Hoffman. Furthermore, it would not have been obvious to one of ordinary skill in the art to make these modifications in order to reach the invention as claimed by Applicants. For these reasons, Applicants respectfully submit that Applicants’ invention is not anticipated by or obvious over Hoffman and that claim 1 is allowable. Since claims 6-11 and 19 depend from and include the same distinctive features of claim 1, Applicants submit that claims 6-11 and 19 are also allowable.

Claim rejections under 35 U.S.C. §103

Claims 2-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoffman in view of Price U.S. Pat. App. No. 2003/0213505. This rejection is respectfully traversed.

For the reasons stated above, Applicants believe that claim 1 is allowable over Hoffman. Applicants further submit that Price does not cure the deficiencies of Hoffman. Since claims 2-4 depend from and include the same distinctive features of claim 1, Applicants submit that claims 2-4 are also allowable.

Claims 16, 17, 27, and 31-39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoffman in view of Applicants’ specification. This rejection is respectfully traversed.

For the reasons stated above, Applicants believe that claim 1 is allowable over Hoffman and that the limitations as recited in claim 1 would not have been obvious to one of ordinary skill in the art. Since claims 16 and 17 depend from and include the same distinctive features of independent claim 1, Applicants submit that claims 16 and 17 are also allowable.

With regard to claim 27 and as argued above with regard to claim 1, Applicants respectfully submit that Hoffman does not teach or suggest “an inlet opening in said one of said walls communicating with said filter chamber, wherein said one of said walls has a non-linear portion for allowing wash liquid being circulated in said wash chamber to enter said filter chamber” or “a filter element provided in a substantially vertical orientation,” as recited in independent claim 27. Furthermore, Applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art to make these modifications in order to reach the invention as claimed by Applicants. For these reasons, Applicants submit that claim 27 is allowable under §103(a). Since claims 31-39 depend from and include the same distinctive features of claim 27, Applicants submit that claims 31-39 are also allowable.

Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hoffman in view of Sargeant U.S. Pat. No. 5,743,281. For the reasons stated above, Applicants believe claim 1 is allowable over Hoffman. Applicants further submit that Sargeant does not cure the deficiencies of Hoffman. As a result, Applicants submit that claim 18, which depends from and includes the same distinctive features of independent claim 1, is also allowable.

Claims 28 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoffman and Applicants’ specification, and further in view of Thies U.S. Pat. No. 5,909,743. For the reasons stated above, Applicants believe claim 27 is allowable over Hoffman in view of Applicants’ specification. Applicants further submit that Thies does not cure the deficiencies of Hoffman and Applicants’ specification. As a result, Applicants submit that claims 28 and 30, which depend from and include the same distinctive features of independent claim 27, are also allowable.

Claims 13-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoffman in view of Thies. For the reasons stated above, Applicants believe claim 1 is allowable over Hoffman. Applicants further submit that Thies does not cure the deficiencies of Hoffman. As a result, Applicants submit that claims 13-15, which depend from and include the same distinctive features of independent claim 1, are also allowable.

No fees or extensions of time are believed to be due in connection with this filing. However, please consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 23-1660.

Notification of allowability is respectfully requested. If there are any questions regarding this matter, please contact the attorney of record.

Respectfully submitted,

Dated: August 06, 2007

/John F. Colligan/
John F. Colligan, Reg. No. 48,240
Telephone: (269) 923-6439

WHIRLPOOL PATENTS COMPANY
500 Renaissance Drive – Ste. 102 MD750
St. Joseph, Michigan 49085

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))	
I hereby certify that this correspondence is, on the date shown below, being:	
<input type="checkbox"/> deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, Alexandria, VA, 22313-1450.	<input checked="" type="checkbox"/> transmitted by EFS to the Patent and Trademark Office.
<hr/> <p style="text-align: center;">_____ Deborah A. Tomaszewski Signature</p> <hr/>	
Date: <u>August 06, 2007</u>	Deborah A. Tomaszewski (type or print name of person certifying)